

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ALOFT MEDIA, LLC,** §  
§  
**Plaintiff,** § **Civil Action No. 6:08-cv-509**  
v. §  
§  
**YAHOO!, INC., GOOGLE, INC., and** § **JURY TRIAL DEMANDED**  
**AOL LLC,** §  
§  
**Defendants.** §  
§

**REPLY TO COUNTERCLAIMS OF YAHOO! INC.**

Plaintiff Aloft Media, LLC (“Aloft”) responds to each of the numbered paragraphs of the counterclaims of Yahoo!, Inc. (“Yahoo!”), as set forth in its Answer, Affirmative Defenses, and Counterclaims (“Answer and Counterclaims”), as follows:

**(Declaratory Judgment as to the ‘351 Patent)**

23. In paragraph 23, Yahoo! purports to incorporate by reference paragraphs 1-21 of its Answer and Counterclaims to Aloft’s Complaint for Patent Infringement. Aloft is without sufficient information to form an understanding as to the meaning of this paragraph, and therefore denies the same.

24. Admitted.

25. Aloft admits that it is a Texas limited liability company with its principal place of business at 211 W. Tyler Street, Suite C-1, Longview, Texas 75601. Aloft denies the remaining allegations in paragraph 25.

26. Aloft admits that it alleges that Yahoo! has been and now is infringing the ‘351 patent and that a justifiable controversy exists concerning the ‘351 patent but denies that

Yahoo!'s counterclaims have any merit whatsoever. Aloft denies the remaining allegations in paragraph 26.

27. Aloft admits that Yahoo! contends that a judicial declaration is necessary and appropriate so that Yahoo! may ascertain its rights and duties with respect to the '351 patent but denies that Yahoo!'s counterclaims have any merit whatsoever.

28. Aloft admits that this Court has subject matter jurisdiction. Otherwise, denied.

29. Aloft admits that this Court has personal jurisdiction. Otherwise, denied

**COUNT ONE**  
**(Declaratory Judgment of Non-Infringement of the '351 Patent)**

30. Aloft admits that Yahoo! purports to incorporate by reference the averments contained in paragraphs 1-28 of its Answer and Counterclaims. Unless specifically admitted herein, the allegations contained in those paragraphs are denied.

31. Denied.

32. Denied.

**COUNT TWO**  
**(Declaratory Judgment of Invalidity of the '351 Patent)**

33. Aloft admits that Yahoo! purports to incorporate by reference the averments contained in paragraphs 1-31 of its Answer and Counterclaims. Unless specifically admitted herein, the allegations contained in those paragraphs are denied.

34. Denied.

Aloft denies that Yahoo! is entitled to any relief, and specifically denies all the allegations and prayers for relief contained in paragraphs A-J of Yahoo!'s Answer and Counterclaims.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Aloft respectfully requests that this Court enter judgment denying and dismissing Yahoo!'s counterclaims, and that the Court enter judgment in favor of Aloft as requested in Aloft's complaint, as amended or supplemented.

**DEMAND FOR JURY TRIAL**

Aloft, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

/s/ Chris Cravey

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**ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 16<sup>th</sup> day of March, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile and or U.S. Mail on this same date.

/s/ Riny Piaternelle  
Riny Piaternelle